



LINCOLN COUNTY  
DEPARTMENT OF ENVIRONMENTAL HEALTH

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1242762 - R8 SDMS

September 18, 2012

Mr. Victor Ketellapper  
U.S. Environmental Protection Agency  
1595 Wynkoop St. (8EPR-SR)  
Denver, CO 80202

Mr. John Podolinsky  
Montana Department of Environmental Quality  
PO Box 200901  
Helena, MT 59620-0901

Mr. Ketellapper / Mr. Podolinsky,

In my previous letter dated August 24, 2012, I requested clarification from the U.S. Environmental Protection Agency (EPA) and the Montana Department of Environmental Quality (MDEQ) regarding the restrictions associated with processing and handling wood waste material at the Libby and Troy landfill sites. The EPA recently provided a response supported by MDEQ.

Within this response, the EPA and MDEQ state "It is unknown if there is risk associated with the chipping, or with handling the chips from wood waste with no detections of LA asbestos in the sample results.". No direct statements are made regarding risk associated with the material for which sample results indicate the presence of LA asbestos. The response goes on to provide suggestions for monitoring and best management practices during chipping activities, as well as suggestions for use and/or disposal of the resulting material.

At this time, Lincoln County does not have the capabilities to implement the monitoring or dust suppression measures suggested. Additionally, Lincoln County does not have ability to dispose of the material as suggested. More specifically, Lincoln County cannot apply these suggestions for the following reasons:

- Bury onsite at either landfill: The Troy landfill site is owned by the City of Troy and is leased to Lincoln County. The City of Troy has prohibited the burial of any waste material containing known levels of LA asbestos at the site. Furthermore, Lincoln County does not have the appropriate equipment to safely transport the material to the Libby landfill site in a manner that ensures no release of LA asbestos during transit.
- Use the waste in its current form at the Mine (coordinated with W.R. Grace): This suggestion was also made for chipped material resulting from the brush pile at the Libby landfill site. Through recent communication, W.R. Grace has indicated in writing that they are not interested in disposing of the material at the Mine site.
- Chip and use at landfills as cover/compost: Again, material containing known levels of LA asbestos may not be buried at the Troy landfill site and transportation to the Libby landfill site is not feasible.

The statements in EPA's response regarding unknown risks associated with non-detect material, combined with the suggestions for monitoring, handling, and disposal of the material lead Lincoln County to understand it is the EPA and MDEQ's position that the wood waste may present an imminent and substantial endangerment to public health or welfare due to the actual or possible presence of LA asbestos from the Libby Asbestos Superfund Site. That being the case, it is

the obligation of MDEQ (for Troy) and EPA (for Libby) to process and dispose of the wood waste material present at the landfill sites.

Disposal of this material by the EPA and MDEQ would be consistent with the ongoing handling/disposal of contaminated soil and vegetation being removed as part of the Libby Asbestos Superfund Site. If Lincoln County's understanding is incorrect and your agencies do not believe the wood waste may present an imminent and substantial endangerment to public health or welfare, please provide me with this clarification. Otherwise, please provide your respective agency's plans for the disposal of the wood waste material at the landfill sites as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathi Hooper', with a stylized flourish at the end.

Kathi Hooper  
Director

cc: Liz Fagen, EPA Remedial Project Manager, EPR-SR  
R. Allan Payne, DONEY | CROWLEY | PAYNE | BLOOMQUIST P.C.